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10/006,643	11/08/2001	David M. Beausoleil		1861

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AA

Office Action Summary

Application No.

10/006,643

Applicant(s)

BEAUSOLEIL, DAVID M.

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

Proposed new figure 6 filed on Oct. 22, 2003 has been approved. Proposed new figure 7 has been disapproved since it contains new matter. The specification as originally filed fails to provide support for the location and size of the adhesive (71) as shown in figure 7. There is no support in the original specification for covering only a portion of the plate back surface with the adhesive (71) as shown in figure 7.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the adhesive material defined in claims 12 and 24 and the recorded (hole, marking etc.) upon said information template defined in claims 1,13,28, and 36 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The substitute specification filed Oct. 22, 2003 has not been entered because it does not conform to 37 CFR 1.125(b) and (c) because: it contains new matter. The new matter added is as follows: on page 1, lines 24-25 and page 2, lines 1-4, starting with "This allows for use" and ending with "actually installed" is considered to be new matter. On page 5, lines 10-15, starting with "Generally, information" and ending with "device or fixture" is considered to be new matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,8,28, and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheresko (U.S. Patent No. 6,412,205).

Cheresko shows in figures 1-3 a marking plate (30) including an information template (see figure 3) comprised of an organized array, recorded information (apertures placed on the label) selected from the array, and means (16) for securing the plate. In regard to claims 8 and 28, Cheresko discloses in column 1, lines 15-20 the idea of printing the indicia on a label.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,3,29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454).

Cheresko discloses the applicant's basic inventive concept except for making the marking plate out of stainless steel. Hafner et al. discloses in column 1, lines 26-35 and column 2, lines 1-10, the idea of making marking plates out of metal. Hafner et al. also discloses in column 3, lines 19-21 the idea of making a marking plate from stainless steel. In view of the teachings of Hafner et al. it would have been obvious to one in the art to modify Cheresko by making the marking plate from stainless steel since this would create a more durable and weather resistant plate.

Claims 4 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Cheresko by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 5 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 5 and 30 above and further in view of Graham (U.S. Patent No. 3,782,017).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Cheresko by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 6 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Robertson (U.S. Patent No. 5,855,969).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Cheresko by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Samonides (U.S. Patent No. 5,346,738).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been

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obvious to one in the art to modify Cheresko by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 9/1 and 9/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Berman (U.S. Patent No. 4,907,359).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 9/2 and 9/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 2 and 3 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko In view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 9/4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. (U.S. Patent No. 5,402,592) as applied to claim 4 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 9/5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

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Claim 9/6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 9/7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

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Claims 10/1,10/8,11/1, and 11/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/2,10/3,11/2, and 11/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. as applied to claims 2 and 3 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/4 and 11/4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/5 and 11/5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Caveney disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 10/6 and 11/6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 10/7 and 11/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/1 and 12/8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko discloses the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/2 and 12/3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. as applied to claims 2 and 3 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen

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shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Graham as applied to claim 5 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Robertson as applied to claim 6 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the

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securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 12/7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Hafner et al. and Samonides as applied to claim 7 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 13,20,25,26,36, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala (U.S. Patent No. 6,254,967). Cheresko shows in figures 1-3 a marking plate (30) including an information template (see figure 3) comprised of an organized array, recorded information (apertures placed on the label) selected from the array, and means (16) for securing the plate. Cheresko discloses in column 2, lines 7-28, column 3, lines 37-59, and column 4, lines 35-56, that the marking plate (30) can contain any type of information as desired. Cheresko does not disclose placing electrical information on the marking plate. Katwala shows in figures 5 and 9 the idea of placing electrical information onto a marking plate. In view of the teachings of Katwala it would have been

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obvious to one in the art to modify Cheresko by placing electrical information onto the marking plate since this would allow the marking plate to be used on electrical devices and provide information with regard to the electrical device. In regard to claims 20 and 43, Cheresko discloses in column 1, lines 15-20 the idea of printing the indicia on a label. In regard to claims 25 and 26, it is considered within one skilled in the art to place type of electrical information on the marking plate as desired. The particular indicia placed on the plate is not considered to be a patentable feature.

Claims 14,15,37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 36 above and further in view of Hafner et al. (U.S. Patent No. 3,828,454).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the marking plate out of stainless steel. Hafner et al. discloses in column 1, lines 26-35 and column 2, lines 1-10, the idea of making marking plates out of metal. Hafner et al. also discloses in column 3, lines 19-21 the idea of making a marking plate from stainless steel. In view of the teachings of Hafner et al. it would have been obvious to one in the art to modify Cheresko by making the marking plate from stainless steel since this would create a more durable and weather resistant plate.

Claims 16 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No.

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3,828,454) as applied to claims 15 and 38 above and further in view of Caveney et al. (U.S. Patent No. 5,402,592).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia with paint. Caveney et al. discloses in column 2, lines 45-47 the idea of painting on the indicia. In view of the teachings of Caveney et al. it would have been obvious to one in the art to modify Cheresko by painting on the indicia since this would make the indicia and tag more aesthetically pleasing.

Claims 17 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Graham (U.S. Patent No. 3,782,017).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by engraving. Graham discloses in column 3, lines 45-50 the idea of forming the indicia by engraving. In view of the teachings of Graham it would have been obvious to one in the art to modify Cheresko by engraving the indicia since this would make the indicia and tag more aesthetically pleasing and more durable.

Claims 18 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 15 and 38 above and further in view of Robertson (U.S. Patent No. 5,855,969).

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Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by laser etching. Robertson discloses in column 1, lines 65-67 and column 2, lines 1-25 the idea of forming the indicia by laser etching. In view of the teachings of Robertson it would have been obvious to one in the art to modify Cheresko by forming the indicia by laser etching since this would make the indicia and tag more aesthetically pleasing.

Claims 19 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 3 and 30 above and further in view of Samonides (U.S. Patent No. 5,346,738).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for forming the indicia by acid etching. Samonides discloses in column 2, lines 43-60 the idea of forming the indicia by acid etching. In view of the teachings of Samonides it would have been obvious to one in the art to modify Cheresko by forming the indicia by acid etching since this would make the indicia and tag more aesthetically pleasing.

Claims 21/13 and 21/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of a ring clasp. Berman shows in figure 1 a ring

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clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 21/14 and 21/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala and Hafner et al. (U.S. Patent No. 3,828,454) as applied to claims 14 and 15 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al., and Caveney et al. (U.S. Patent No. 5,402,592) as applied to claim 16 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al., and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp.

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Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al., and Graham as applied to claim 17 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the

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securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claim 21/19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 19 above and further in view of Berman (U.S. Patent No. 4,907,359).

Cheresko in view of Katwala, Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a ring clasp. Berman shows in figure 1 a ring clasp (5) used for attaching a tag to an article. In view of the teachings of Berman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a ring clasp since this would allow the marking plate to be attached to and removed from an article in an easier and faster manner.

Claims 22/13, 22/20, 23/13, and 23/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/14, 22/15,23/14, and 23/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. as applied to claims 14 and 15 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/16 and 23/16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Caveney et al. as applied to claim 4 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/17 and 23/17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Graham as applied to claim 17 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala, Hafner et al. and Caveney disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/18 and 23/18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 22/19 and 23/19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 7 above and further in view of Frieden (U.S. Patent No. 6,144,301).

Cheresko in view of Katwala and Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means in the form of a screw or rivet. Frieden shows in figures 1-3 a tag that is attached with a screw or rivet (see column 5, lines 15-20). In view of the teachings of Friedman it would have been obvious to one in the art to modify Cheresko by replacing the securing means with a screw or rivet since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claims 24/13 and 24/20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala as applied to claims 13 and 20 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Claims 24/14 and 24/15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. as applied to claims 14 and 15 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Caveney et al. as applied to claim 16 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala and Hafner et al. and Caveney et al. disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

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Cheresko in view of Katwala and Hafner et al. and Graham disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Robertson as applied to claim 18 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala, Hafner et al. and Robertson disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Claim 24/19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cheresko (U.S. Patent No. 6,412,205) in view of Katwala, Hafner et al. and Samonides as applied to claim 19 above and further in view of Hansen (U.S. Patent No. 6,159,569).

Cheresko in view of Katwala, Hafner et al. and Samonides disclose the applicant's basic inventive concept except for making the securing means (16) in the form of an adhesive. Hansen shows in figures 1-4 a tag that is attached with an adhesive to an article. In view of the teachings of Hansen it would have been obvious to one in the art to modify Cheresko by replacing the securing means (16) with an adhesive on the back of the member (12) since this would allow the plate to be attached to a wider range of surfaces in an easier and less expensive manner.

Applicant's arguments with respect to claims 1-17 and 18-38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

Bkg
Jan. 24, 2004